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June 29, 1995

VIA FEDERAL EXPRESS

Mr. William Daigle, P.E.
Chief, Special Projects Section
New York State Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-7010

Re: Response of Carrier Corporation to the EPA and DEC
Information Request on Onondaga Lake, Syracuse, New
York

Dear Mr. Daigle:

On behalf of Carrier Corporation ("Carrier"), this letter responds to your request for information regarding Carrier's plants in Syracuse, New York. Incorporated into this response are over 11,000 documents.

This request was received by Carrier on March 3, 1995. It seeks comprehensive, detailed and historical information on all "facilities" located "within 50 miles of the shoreline of Onondaga Lake," an area exceeding 5,000 square miles, dating back to the inception of their operations. For these facilities, the request seeks information regarding all manufacturing processes, wastes, disposal practices and releases regardless of their connection to Onondaga Lake (the "Lake"). It is our

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understanding that Onondaga Lake is on the National Priorities List ("NPL"), but the facilities from which this information is sought, are not.

We also understand that the Onondaga Lake Management Conference ("OLMC"), an organization of federal, state and local officials and concerned citizens, has studied the environmental conditions of Onondaga Lake for several years at great expense. The OLMC's efforts have resulted in an understanding of the Lake's conditions, and a blueprint for several possible corrective actions.

The request does not appear to incorporate or rely on any of the work of the OLMC. Instead, the request contains broad, sweeping questions about all facilities within 50 miles of the Lake's shoreline as if it were an initial inquiry regarding the Lake.

As explained below, this request appears to be unreasonably broad in scope, beyond the legal authority of either the Environmental Protection Agency ("EPA") or the New York Department of Corrections ("DEC"), and impossible to fully comply with. Nonetheless, and subject to objections, Carrier is providing information about relevant waste disposal practices at its three major manufacturing locations in the Syracuse area.

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I. INTRODUCTION: SCOPE OF RESPONSE

Because of the unprecedented nature of the request,^{1/} Carrier reviewed the legal authority relied upon by the U.S. EPA and the DEC to support this request, in order to determine the extent of Carrier's obligation to respond. In this regard, as is explained below, Carrier has concluded that none of the laws relied upon by the EPA or the DEC provide authority to seek unlimited information about business practices at operations within 50 miles of an NPL site without regard to whether there is any connection between such practices and the conditions at the site.

While the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 to 9675 ("CERCLA"), may authorize the EPA to seek information about discharges of hazardous substances in connection with response activities authorized under CERCLA and New York state laws may authorize the DEC to seek certain other information about hazardous wastes, we have identified no authority that would

^{1/} The size and scope of the request made responding within the original 30-day time period impossible. Accordingly, Carrier sought and obtained various extensions of time. See Letter of Kirkpatrick & Lockhart LLP to Robert Davies, Esq., New York Department of Environmental Conservation ("DEC"), dated March 23, 1995; letter of Robert Davies, Esq., DEC, to Kirkpatrick & Lockhart LLP dated March 23, 1995; letters of Scott Crisafulli, DEC to Kirkpatrick & Lockhart LLP dated May 10, 1995 and May 22, 1995; letters of Kirkpatrick & Lockhart LLP to Scott Crisafulli, DEC dated June 1, 1995 and June 2, 1995.

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permit the EPA and the DEC to combine these statutes into some broader, and essentially unlimited, power to demand information about a business, regardless of any real connection with an NPL site (in this case, Onondaga Lake), in an effort to respond to that site. Accordingly, Carrier has objected to those questions seeking information that are not within the EPA or the DEC's authority to obtain.

Based on this conclusion, and in an effort to reduce this task to manageable proportions, Carrier took the following steps. First, it reviewed the major technical reports developed under the auspices of the OLMC, of which the EPA and the DEC are part, that described and evaluated the nature and scope of the adverse environmental conditions at Lake Onondaga. Then Carrier compared this information with its own manufacturing operations located within a reasonable proximity of the Lake to determine whether any of its activities could be connected to the conditions in the Lake. Finally, Carrier determined whether the information that would fall within these categories was accurate and reliable, given the limited time for response.

Using this approach, Carrier focused its response on activities that took place at three of its plants: Thompson Road, Carlyle Compressor, and Geddes Street. The Thompson Road plant is approximately five miles from the Lake. The Carlyle Compressor and Geddes Street plants are approximately six and two

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miles from the Lake, respectively. Carrier has discovered no evidence to document that activities at these operations contributed to the conditions identified by the OLMC as problematic at the Lake.

The remainder of this letter explains in greater detail the basis of Carrier's objections, and subject to those objections, responds to the request, despite the lack of any connection between the three identified operations and the condition of Onondaga Lake. Carrier's efforts to provide this information are not and should not be construed as a waiver of any objection to any question.

II. GENERAL OBJECTIONS

A. The Request Exceeds the Statutory Authority of the EPA and the DEC

Federal authority. Under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), the EPA has the authority to request information regarding the nature and quantity of materials generated, treated, stored or disposed; the nature or extent of a release or threatened release of hazardous substances; and information relating to a company's ability to pay for or perform a cleanup with respect to a vessel or facility. However, the EPA is authorized to seek the above-referenced information only for "the purposes of determining the need for response, or choosing or taking any response action . . . , or otherwise enforcing the

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provisions of [CERCLA's response and liability provisions]." 42
U.S.C. § 9604(e)(1).

In this case, the facility that is the subject of a potential response action is Onondaga Lake. The 104(e) request seeks information that does not pertain to such a response action at Onondaga Lake and is therefore not authorized by CERCLA. CERCLA does not authorize the EPA to seek information regarding all of Carrier's processes and operations that are located miles from Lake Onondaga and have no demonstrable connection to the Lake or a potential response action at the Lake.^{2/} The fact that a business is within 50 miles an NPL site is not a sufficient basis to seek information under § 104(e).

State authority. The DEC cites several general provisions of the New York Environmental Conservation Law ("ECL") as authority for this information request. The relevance of all but one of these provisions to this request is unclear. Under one provision, Section 27-0915 of the ECL, the DEC is authorized to obtain information relating to hazardous wastes. See United States v. Charles George Trucking Co., 624 F. Supp. 1185, 1188 (D. Mass. 1986), aff'd, 823 F.2d 685 (1st Cir. 1987) (interpreting Section 3007(a) of the Resource Conservation and

^{2/} Generally, under CERCLA, the NPL site being investigated, such as a landfill, contains evidence to tie the landfill to a particular entity (e.g., drums containing a particular company's name or product).

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Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), a provision similar to § 27-0915 of the ECL). Insofar as the DEC request seeks information that does not relate to hazardous wastes, it exceeds the authority of the DEC.

The request refers to the Lake Onondaga Superfund site. Carrier has identified no section of law that permits an inquiry regarding Onondaga Lake to seek information wholly unrelated to Onondaga Lake and in this regard must object to the request. It appears that the EPA and the DEC are attempting to combine their statutory powers to avoid the limits imposed by Congress, the New York Legislature and the United States Constitution. To that extent, Carrier respectfully objects to the request.

B. Because the Time Period Covered Is Unlimited, the Request Is Overbroad and Unduly Burdensome

The DEC request seeks information covering a period of unlimited duration and is therefore overbroad and unduly burdensome. Practically speaking, because of the age of the information requested -- Carrier has conducted manufacturing operations for over 50 years -- it simply cannot be assembled in a complete, accurate and reliable manner. Carrier does not have environmental records dating back to the 1940s. Also, many individuals with knowledge of past operations are deceased, are no longer employed by the company, and/or cannot be found. There are literally thousands of persons who have worked at these

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operations over the past 50 years, and who would have to be interviewed in order to comply with the request as stated.

Accordingly, Carrier objects to the request on grounds that it is overly broad and unduly burdensome.

C. Because the Geographic Area Covered by this Request is Overbroad and Vague, the Request Unduly Burdensome and Unreasonable

The DEC request seeks information regarding all facilities within a 50-mile radius of the Lake's shores. The fact that a business is located within 50 miles of a Superfund site is an arbitrary, unprecedented and inappropriate basis for seeking information about that business's operations.

The U.S. Army Corps of Engineers has recognized that the drainage basin for Onondaga is 245 square miles. See Technical Report, U.S. Army Corps of Engineers, Buffalo District, March 1992 at 13 ("Technical Report"). Despite the Technical Report's identification of this well-defined area, the 104(e) request seeks information regarding facilities within 5,000 square miles. Because of its extensive geographic scope, and the fact that it ignores the size of the Onondaga Lake drainage basin, the 104(e) request is overbroad.

D. The Number of Employees That the Request Requires Carrier to Consult Is Overbroad and Unduly Burdensome

The request purports to require Carrier to consult with all present and former employees and agents that may have information

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regarding the request. Because the request seeks information on all of Carrier's manufacturing processes (Question 6), any or all of Carrier's thousands of present and former employees and agents over the last half-century could have knowledge regarding these processes. Expecting Carrier to contact this vast number of individuals is unreasonable, impossible, unduly burdensome, and unnecessary.

E. The Request Does Not Seek Information on the Major Problems of the Lake That Have Been Identified by the U.S. Army Corps of Engineers and the OLMC

In 1990, Congress created the OLMC, which is staffed by representatives of various federal, state and local agencies, and others. Its mission is to develop a comprehensive restoration, conservation and management plan for Onondaga Lake. See Onondaga Lake Management Conference of 1990, Public Law 101-596, § 401.

The OLMC has identified several major problems with the Lake: 1) phosphorus and ammonia loading from the Metropolitan Sewage Treatment Plant ("METRO"); 2) bacteria, floating debris and other pollutants discharged from the Combined Sewer Overflows ("CSOs"); 3) mercury and other pollutants including salt wastes from the Allied Signal waste beds and other sources; and 4) sediment input from the Tully Valley mud boils. See OLMC Draft Plan for Action, May 27, 1993 at 2 ("OLMC Plan").

In addition to the work of the OLMC, the Army Corps of Engineers also has studied the Lake's conditions and has

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identified the major pollutants in each of its tributaries. See Technical Report. Also, the Army Corps of Engineers has identified the likely source of each of these pollutants. Id.

Rather than seeking information regarding the causes of the Lake's major problems, or even about the contributing pollutants located in tributaries, the 104(e) request seeks a cumbersome amount of information that is irrelevant to these problems and to the Lake. For instance, the request seeks comprehensive information from Carrier regarding all of its manufacturing activities, and makes no effort to focus on information regarding activities that could, even in an attenuated manner, have contributed to any identified problem at the Lake.

For all the reasons outlined above, Carrier objects to this request. While reserving these objections, Carrier is nonetheless attempting to respond, as noted below. In addition, Carrier is making over 11,000 documents available as part of this response.

III. RESPONSES

Without waiver of the foregoing objections, Carrier provides the following responses:

1. a. State the correct legal name and address of your company.

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North American Operations
Carrier Parkway
Syracuse, New York 13221

- b. Identify the state of incorporation of your company and your company's agent for service of process in the state of incorporation and in New York.

Carrier Corporation ("Carrier") is a corporation organized under the laws of Delaware. Carrier's agent for service of process in Delaware is CT Corporation and in New York is CT Corporation.

2. State the name(s) and address(es) of the President, the Chairman of the Board and the Chief Executive Officer of your company.

John R. Lord
President
Carrier Corporation
One Carrier Place
Farmington, Connecticut 06034-4015

3. If your company is a subsidiary or affiliate of another corporation, or has subsidiaries, identify each such entity and its relationship to the company, and state the name(s) and address(es) of each such entity's President, Chairman of the Board and Chief Executive Officer.

Carrier incorporates its objections set forth in Section I above. Carrier also objects to this request on grounds that the request does not define "affiliate" or "subsidiary," and is therefore vague. Assuming that these terms have the meanings assigned to them under the regulations of the Securities and Exchange Commission ("SEC") governing Annual Form 10Ks and other disclosure documents, 17 C.F.R. § 210, ("Regulation S-X"),

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Carrier provides its response below.^{3/} See 17 C.F.R. § 210.1-02 (definitions of affiliates and subsidiaries).

Carrier further objects to this request insofar as it seeks information regarding Carrier's subsidiaries and affiliates (as previously defined) that are not located within 50 miles of Onondaga Lake, and that have no plausible relationship or connection to the Lake, on grounds that it is beyond the requesting agencies' authorities, is overly broad, unduly burdensome and seeks irrelevant information. Many of Carrier's "subsidiaries" and "affiliates" are located in foreign countries and have no bearing on this request.

Finally, Carrier objects to this request insofar as it seeks the names and addresses of the President, Chairman of the Board and Chief Executive Officer of all of Carrier's subsidiaries and affiliates on grounds that it is overly broad, unduly burdensome and seeks irrelevant information. This request is not limited in time and could be construed to mean all of these individuals at all of Carrier's subsidiaries and affiliates at all times. This information would be unduly burdensome, if not impossible, to compile, and is unrelated to the Lake.

Without waiver of its objections, Carrier responds as follows: Carrier is a wholly owned subsidiary of United

^{3/} To the extent these terms are used in any other questions in the request, Carrier will assume that they have the meanings set forth in 17 C.F.R. § 210.1-02.

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Technologies Corporation ("UTC"), a Delaware corporation with its principal offices located at the United Technologies Building, Hartford, Connecticut. Assuming that "subsidiary" and "affiliate" have the meanings assigned to them under Regulation S-X, Carrier has numerous subsidiaries and affiliates located in the United States and in foreign countries. The most recent SEC Form 10-K of UTC is attached (documents 000627 to 000731) and identifies these subsidiaries and affiliates.

4. List all of your facilities which generated, handled, transported, treated, stored or disposed of hazardous substances, hazardous wastes, or industrial wastes which are, or were formerly, located within fifty miles of any point along the shoreline of Onondaga Lake. For each such facility, state its name and address, and period of operation. Please identify any of your facilities that are no longer in operation within this area.

Carrier incorporates its objections set forth in Section I above. Also, Carrier objects to this request on grounds that it is overbroad, vague and unduly burdensome because it does not identify any particular operations of Carrier or its subsidiaries or affiliates, or any specific locations. Therefore it necessarily encompasses a voluminous amount of information.

Without waiving its objections, Carrier responds as follows: Carrier has operated three manufacturing facilities in the Syracuse area.

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- 1) Carrier Corporation
Carrier Parkway
Syracuse, New York 13221
(herein sometimes referred to as the "Thompson Road Plant")
Current RCRA I.D. Number: NYD001317072

At the Thompson Road Plant, Carrier conducted operations from approximately the late 1940s or early 1950s to the present. This site was previously owned and/or operated by Syracuse University, General Electric, and the United States Defense Plant Corporation.

- 2) Carlyle Compressor Company
Division of Carrier Corporation
Chrysler Drive
Syracuse, New York 13221
(herein sometimes referred to as "CC-1")
Current RCRA ID Number NYD000688796

At CC-1, Carrier conducted operations from approximately 1969 or 1970 to 1990.

- 3) Carrier Corporation
201 South Geddes Street
Syracuse, New York
(herein sometimes referred to as "Geddes Street")

Prior to 1937, this plant was operated by H.H. Franklin Manufacturing Co., a manufacturer of air-cooled automobiles. In or around 1937, Carrier began operating the Geddes Street plant. Carrier sold the plant in its entirety in or around 1949, but remained in the plant under a lease arrangement until the fall of 1972. Between the years 1960 and 1966, Carrier gradually moved all but one of its operations, the tube mill, over to its

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Thompson Road plant. The tube mill ceased operations and the Geddes Street plant closed in or around September 1972.

5. Indicate the nature of the operation for each facility identified in Question 4 above. If the operations changed, indicate the nature of those changes (including any name changes) and the dates the changes took place.

Carrier incorporates its objections set forth in Section I above. Carrier also incorporates its objections set forth in its response to Question 4 above. Carrier further objects because the word "nature" is vague and ambiguous. Moreover, none of the laws pursuant to which this request is made authorize demands for information about a facility's "nature of operation."

Without waiving its objections, Carrier provides the following information regarding its operations at the Thompson Road, CC-1, and Geddes Street plants.

Thompson Road Plant

During part or all of the period from 1950 to the present Carrier manufactured commercial and industrial air conditioning equipment, including centrifugal and absorption refrigeration and air conditioning equipment, commercial unitary air conditioning equipment and reciprocating water chillers; room air conditioners; compressors; central station air handling equipment, including large fans and coils; integral fin tubing; aluminum coils for residential air conditioning equipment; air conditioning equipment for special government projects, aircraft

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refrigeration equipment, transportation refrigeration equipment and refrigerant reclaim systems; and transportation refrigeration equipment.

CC-1

Carrier manufactured compressors at this site.

Geddes Street

Several different operations were conducted at this site, including the manufacture of air conditioning, refrigeration and heating equipment and components.

6. For each facility identified in your response to Question 4 above, provide a detailed process/mechanical description of the processes used, the wastes generated from such processes, and the volume or weight of such wastes. If the process and/or waste stream changed, indicate the nature of the changes (including volumes) and the dates the changes took place. For each such waste stream provide any analyses that you have of the chemical composition of the waste stream.

Carrier incorporates its objections set forth in Section I above. Carrier further objects to this request on grounds that it is overbroad, unduly burdensome, and seeks irrelevant information. At the Thompson Road plant alone, there have been a variety of manufacturing operations conducted in or supported by approximately 20 buildings. Taken literally, the DEC request seeks "detailed process/mechanical descriptions" of the processes used over the 50-year history of this plant. Also, the request seeks information regarding every waste generated from such

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processes, and the volume or weight of such wastes, and any changes in the waste streams.

As a practical matter, this request seeks information regarding almost every action ever taken at Carrier's plants that are within 50 miles of the shore of Onondaga Lake. Assuming this information could be assembled (and it is unclear that it can), Carrier would have to expend thousands of man-hours at incredible expense to do so. More realistically, it is likely that this information could not be assembled in any event (especially for the early periods of Carrier's operations) because records for this time period, and employees with knowledge of these records and the plants' operations, are not readily available. Also, Carrier simply does not know, nor can it determine, the exact volume and weight of every waste ever generated at its plants.

Finally, to the extent the request seeks information regarding all of Carrier's processes -- information which may have no bearing on pollutants, contaminants, hazardous substances, hazardous wastes, or the response action at the Lake -- it is not authorized by CERCLA or the ECL.

Without waiving its objections, Carrier responds to this request as follows.

Thompson Road Plant

Manufacturing processes included, at various times: sheet metal fabrication, metal forming and machining, metal cleaning

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and degreasing, painting, coating (phosphatizing and chromating), brazing, welding and soldering, foam insulation, wastewater treatment, assembly, and other miscellaneous operations.

The documents that summarize the wastes generated from this location are Carrier's waste manifests (and related checks, receipts and invoices), Form R reports and generator reports. The manifests and related documents encompass 7,304 pages of information and are contained in documents 002292 to 009595. Form R reports may be found at documents 001110 to 001975. Generator reports may be found at documents 000732 to 001002.

CC-1

Manufacturing processes included metal forming and machining, metal cleaning and degreasing, painting and coating, brazing, welding and soldering, wastewater treatment, and assembly.

As with Thompson Road, waste manifests, Form R reports and generator reports summarize the type, amount and weight of wastes generated from the described processes. Carrier has identified 1,748 pages of manifests and related documents reflecting waste generated at CC-1. These manifests and related documents are included at documents 009596 through 011344. Form R reports are included at documents 001873 to 001956. Generator reports may be found at documents 000732 to 001002.

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Geddes Street Plant

From reports of ex-employees, Carrier understands that the following manufacturing operations were conducted in the production of air conditioning and heating equipment. Copper tubing was formed, sized and cleaned using machinery, lubricants and solvent and alkaline cleaning solutions. It is also known that other manufacturing operations consistent with air conditioning manufacturing must have been conducted at Geddes Street. Wastes generated included: waste oils and coolants, waste paints and solvents, paint strippers, still bottoms and other degreaser related wastes, waste acids and alkalis, and scrap iron, copper and aluminum.

Carrier has been unable to locate relevant documents regarding these operations.

7. Explain in detail the manner of transportation or disposal of the hazardous wastes, hazardous substances and industrial wastes generated, handled, treated or stored at the facilities identified in your response to Question 4 above. Provide a separate response for each facility identified in your answer to Question 4 above.

Carrier incorporates its objections set forth in Section I above. Carrier further objects to this request on grounds that it is overbroad and unduly burdensome because it could be interpreted to apply to the disposal of every waste (e.g., cafeteria waste) from Carrier's plants.

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The request also seeks irrelevant information because many of Carrier's hazardous wastes, hazardous substances and industrial wastes may have been transported and disposed of at locations hundreds if not thousands of miles from the Lake. Information falling into this category is well beyond the authorized scope of this request and is not being provided.

Because this request is apparently not limited to activities with some connection to Onondaga Lake, Carrier objects to this request on grounds that it is overly broad, unnecessary, unduly burdensome, and potentially impossible for Carrier to compile.

Without waiving its objections, Carrier responds to this request as follows.

Thompson Road

The manner in which wastes generated at Thompson Road were transported or disposed of included or includes movement by truck, disposal into landfills, disposal by incineration or offsite chemical treatment, and in some cases, discharge via the sewer system. The waste manifests provided in response to Question 6 contain information regarding transportation and disposal.

With respect to permitted discharges into the sewer system, see Carrier's responses to Questions 9 and 10.

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The manner in which wastes at CC-1 were transported and disposed of was similar to those at Thompson Road. Waste manifests, Form R's and generator reports are provided in response to Requests 6 and 9.

Geddes Street

Carrier has been unable to locate any documents responsive to this request. However, Carrier understands that wastes generated at Geddes Street were in large part transported for offsite disposal, and that some wastes may have been discharged into the sewer before 1970. At this time, Carrier cannot certify the accuracy of this information.

8. For each type of hazardous waste, hazardous substance, and industrial waste material listed above, provide the names and addresses of all transporters and disposal facilities used, and state when each such transporter and disposal facility was used. Please identify the total volume or weight of such material that was transported by that entity or individual to each such disposal facility.

Carrier incorporates its objections set forth in Section I above. Insofar as this request seeks information regarding the transportation and disposal of all of Carrier's hazardous wastes, hazardous substances and industrial wastes, regardless of any connection to Lake Onondaga, it is overly broad, unduly burdensome and beyond the authority of the EPA and the DEC. Many of these wastes were not released into the environment and none

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of them have a bearing on Onondaga Lake. Also, many of these wastes were sent to locations far from Onondaga Lake. Finally, this information would be extremely costly and likely impossible to compile.

Without waiving its objections, Carrier responds to this request as follows.

Thompson Road

Information responsive to this request is contained in Carrier's waste manifests that are identified in its response to Question 6 above. Please contact Kirkpatrick & Lockhart LLP to make appropriate arrangements to review these manifests.

Several transporters are listed on these manifests. The last known addresses for these and other transporters and disposal facilities are as follows:

Leaseway Haulers
P.O. Box 454
East Syracuse, NY 13057

Niagara Industrial Warehousing
4626 Royal Avenue
Niagara Falls, NY 14303

Matlock, Inc.
Ransdowne PA
2445 Allen Avenue
Niagara Falls, NY 14301

Tonawanda Tank Transport Service Inc.
1140 Military Road
Buffalo, NY 14217

Contract Industrial Warehousing
Same as: Niagara Industrial Warehousing

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Haz Mat Environmental Group Inc.
P.O. Box 676
Buffalo, NY 14217

Buffalo Fuel Corp.
2445 Allen Avenue
Niagara Falls, NY

Service Sanitaires
Blainville, Inc.
556 Cote Street, Louis
Blainville Quebec Canada J7C 3V4

Frank's Vacume Truck Service
750 Ellicott Road
Tonawanda, NY 14150

Hudson Refining Corp.
163 River Road
Edgewater, N.J. 07020

Northeast Oil Services, Inc.
37-80 Review Avenue
Long Island City, N.Y. 11101

Lorber Trucks
1140 Military Road
Buffalo, NY 14217

A&T Haulers
5950 Fisher Road
East Syracuse, NY 13057

Cateract Industrial Warehousing Inc.
4626 Royal Avenue
Niagara Falls, NY

A.R. Gundry, Inc.
P.O. Box 4185
Rochester, NY 14611

AETC
2591 Mitchell Avenue
Allentown, PA 18103

Aptus, Inc.
Hwy 169 North
Coffeyville, KS 67337

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BFI
2321 Kenmore Avenue
Kenmore, NY 14217

Cecos International
5600 Niagara Falls Blvd.
Niagara Falls, NY 14304

Chambers Medical Tech.
100 Nix Street
Hampton, SC 29924

Chemical Waste Management
1550 Balmer Road
Model City, NY 14107

Cicero Wood
8701 Route 11
Syracuse, NY 13221

Empire Sanitary Landfill, Inc.
P.O. Box 28
Taylor, PA 18517

Ensco, Inc.
American Oil Road
El Dorado, AR 71730

Envirotech of America
798 Hartwell Ave.
East Syracuse, NY 13057

Haz Mat Environmental Group
60 Commerce Drive
Buffalo, NY 14218

New England Container
455 Geo. Washington Hwy
Smithfield, RI 02917

Rubbish Removal
P.O. Box 6291
Syracuse, NY 13217

S.D. Meyers
180 South Avenue
Tallmadge, OH 44278

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Safety Kleen Envirosystems
State Highway 146
New Castle, KY 40050

Safety Kleen Oil Recovery Co.
601 Riley Road
East Chicago, IN 46312

Stablex Canada
760 Industrial Blvd.
Blainville, Quebec, Canada

Universal Empire Industries, Inc.
Leland & Wutz Avenue
Utica, NY 13503

In addition to the information contained in these manifests, Carrier understands that some wastes were sent to the Town of DeWitt Landfill.

Also, the following companies have transported Carrier's wastes: Tripoli Brothers Community Rubbish, Environmental Oil, Inc., and Joseph S. Peta Trucking.

CC-1

Northeast Oil, Pollution Abatement Service, Frontier Chemical Company and Gundry Haulers.

Geddes Street

Leaseway, Inc. transported some wastes. Carrier has been unable to determine the names of disposal facilities.

9. State whether any hazardous substance, hazardous waste or industrial waste, as those terms are defined in Instructions 11-

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13, was ever released or discharged into the environment at your facility. If yes, provide the following information:

- a. If this was a continuous or intermittent practice or event, identify the period of time during which this practice or event occurred and the hazardous substances and the quantity that was released or discharged and to where it was discharged. (In addition to a description of the discharge location, the discharge location should be shown on a map of the area and enclosed with your reply.)
- b. If there was no continuous or intermittent practice or event of release or discharge, specify the date of each incident, the hazardous substances and the quantities that were released or discharged.
- c. If any of the hazardous substances released would have entered either directly or indirectly (e.g., through surface runoff or groundwater migration) into Onondaga Lake or its tributaries, please provide the path of release.

Carrier incorporates its objections set forth in Section I above. Carrier further objects to this request because it fails to define the term "environment" and is therefore vague and impossible to understand. For purposes of this response, Carrier assumes that "environment" has the meaning assigned to it under Section 101 of CERCLA, 42 U.S.C. Section 9601(8). Carrier also objects to the use of terms such as "continuous" or "intermittent" because they are vague and ambiguous.

The request apparently seeks information regarding even the most minor incidents (e.g., a spill of janitorial cleaning products) over an unlimited period at all of Carrier's plants, without regard to whether such incidents could even have a remote possibility of adversely affecting Onondaga Lake. It is therefore overbroad, unduly burdensome, and beyond the scope of

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the EPA or the DEC's authority. Carrier also assumes that this question is explicitly directed toward releases and discharges that may have had a pathway to Onondaga Lake from Carrier operations, and are problematic in the Lake based on the major studies of Onondaga Lake. Carrier is not aware of any information that would establish that the causes of adverse conditions reported in the Lake relate to materials that might have spilled at Carrier operations located between two and six miles from the Lake. Nonetheless, Carrier has attempted to identify information that would document releases and discharges of materials that have been identified as of concern at the Lake.

Thompson Road

The Form R's contained in documents 001110 through 001975 provide information that is responsive to this question.

CC-1

The Form R's contained in documents 001873 through 001956 provide information that is responsive to this question.

Geddes Street

Carrier has been unable to identify any verifiable information that is responsive to this question.

10. Was any of the material described in your response to Question 9 treated prior to direct discharge into the Lake or its tributaries, or pretreated prior to discharge into a municipal

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sewerage system which discharges to the Lake or a tributary to the Lake? If so:

- a. describe the treatment or pretreatment process and capacity and whether discharges were continuous or intermittent;
- b. the years during which treatment or pretreatment occurred including data treatment or pretreatment began and whether discharges continue or date of cessation of discharges if discontinued;
- c. the quantities of influent waste treated or pretreated;
- d. the quantities and composition (chemical analysis) of treated or pretreated material discharged;
- e. whether the material was discharged directly into Onondaga Lake, a tributary of the Lake or into a municipal sewerage system which discharges to the Lake or a tributary of the Lake;
- f. how you disposed of any sludges or residues generated by the treatment or pretreatment process; and
- g. provide the location of discharge and, if applicable, the name of municipal sewerage system to which discharge was made.

Carrier incorporates its objections that are set forth in Section I above, and in response to Question 9. Without waiving its objections, Carrier responds to this request as follows:

Carrier has no information to suggest that it ever discharged hazardous waste directly into Onondaga Lake, and based on the location of its operations, believes that in fact Carrier never discharged any problematic pollutant into the Lake.

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Pursuant to a permit, Carrier has discharged wastewater to the Onondaga County sanitary sewer system.

In or around 1986, Carrier installed a pretreatment system in Building TR-20 to remove certain metals, including zinc and chromium, from rinsewater resulting from operations in Building TR-20. Additionally, wastewater containing metals from other manufacturing operations at the Thompson Road site was processed through the pretreatment system in Building TR-20. Wastewater from the Building TR-20 pretreatment system was discharged to the sanitary sewer. However, none of these materials have been identified as a problem in the Lake.

Although unrelated to Carrier's response to Question 9, or to issues of concern in Onondaga Lake, Carrier also advises the EPA and the DEC that in 1991 Carrier completed construction of a treatment plant designed to remove trichloroethylene, TCA, and related compounds from storm water prior to discharge. Carrier began operating the treatment plant in mid-to-late 1991.

Also, in 1991, Carrier completed construction of a pretreatment system in a building adjacent to Building TR-3 at the Thompson Road site. This pretreatment system replaced the Building CC-1 treatment system and was designed to remove oil and grease from wastewater prior to discharge to the sanitary sewer system.

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CC-1

Sanitary and process wastewater was discharged from Building CC-1 to the Onondaga County sanitary sewer system from approximately the early 1970s to approximately January, 1991. In or around 1979 or 1980, Carrier installed a pretreatment system to separate oil and grease from wastewater from parts-washing operations and certain coolants prior to discharge of such wastewater to the sanitary sewer system. Pretreatment consisted of emulsion breaking with acid, followed by caustic and polymer addition, flocculation, dissolved air flotation and skimming. Also, certain coolants from the Thompson Road plant were processed through the Building CC-1 pretreatment system.

Pursuant to a permit, Carrier discharged wastewater to the Onondaga County sanitary sewer system.

In June, 1990, Carrier completed the installation of an ultra filtration system to treat waste-water at Building CC-1. The ultra filtration system was capable of removing oil and grease from waste-water.

Geddes Street

Carrier has been unable to identify any verifiable information that is responsive to this question.

11. Identify all persons and other entities, including yourself, who determined how to treat, store, and/or dispose of hazardous wastes, hazardous substances, and industrial wastes generated at

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the facility. Provide the names and current addresses of all individuals who participated in such determinations.

Carrier incorporates its objections that are set forth in Section I above. Carrier further objects to this request on grounds that it is overly broad and unduly burdensome. Many of Carrier's employees who made such determinations are no longer working for the company, are retired, or are deceased.

Without waiving its objections, persons responsible for formulating policies, procedures or guidelines related to the creation, generation, handling for collection, storage, transportation, testing, analysis, inspection or disposal of waste included those listed on Attachment A hereto. We request that these names be kept confidential to protect the privacy of those identified.

12. Identify all of the sources of the information contained in your answers to Questions 6-10. Provide copies of all documents that relate to your answers including, but not limited to, invoices, manifests, hazardous substances, hazardous and industrial waste data and analyses or characterizations and contracts, or agreements with transporting, treatment, storage or disposal facilities.

Carrier incorporates its General Objections that are set forth in Section I above.

Insofar as this request seeks all documents relating to Carrier's hazardous and industrial wastes, it is extremely voluminous and as a practical matter cannot be satisfied. Such vast information, which could only be assembled at significant

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expense, would have no bearing on Onondaga Lake. On this basis, the request is overly broad and unduly burdensome.

The individuals consulted in preparing these responses are listed on Attachment B hereto. Confidentiality of this information is requested.

It is impossible to identify and compile every invoice, manifest, analysis, contract, agreement relating to the treatment, storage and disposal of hazardous substances, and hazardous or industrial waste, since 1939, when Carrier began operating at one of the three sites. Carrier has provided waste manifests, Form R's, generator reports, lists of transporters and disposal sites, and other information. This is the best evidence reasonably available to Carrier that is responsive to the request. The additional information sought is unavailable, nonexistent, or duplicative of that which is being provided, and in many instances is subject to objections previously stated.

13. Provide copies of applications for Refuse Act Permit Program, National Pollutant Discharge Elimination System Permits, and State Pollutant Discharge Elimination System Permits, including any waste analysis or characterization submitted with such applications. Provide copies of all permits issued and all amendments to said permits. Provide copies of all Notices of Violations, or administrative or judicial complaints, concerning such discharges submitted or filed by federal, state, county or municipal governments and their regulatory agencies as well as copies of all judicial complaints filed by other persons (including corporate or partnership entities or public interest groups).

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Carrier incorporates its objections that are set forth in Section I above. Also, Carrier objects to this request as overbroad on grounds that it seeks information for permits for activities that are not limited to the Syracuse area or for those activities that could not have any impact on Onondaga Lake. Finally, Carrier objects to this request on grounds that it seeks significant information that is already in the possession of the EPA and the DEC. Also, in the case of Notices of Violation and other enforcement documents, these materials were issued by the EPA or the DEC. Carrier believes it is unduly burdensome for it to be required to produce this information to the very entities that possess, or in some cases have issued, the requested information, and for which there is no obligation to maintain such information.

Without waiving its objections, Carrier provides the EPA and the DEC with documents 000001 through 000388 containing Carrier's permit applications, permits, and relevant correspondence. As Carrier identifies additional documents, it will provide them to the EPA and the DEC.

14. Identify any current or previous insurance policies that may indemnify you or your company against any liability that you or any entity may incur in connection with the release of any hazardous substances and/or hazardous wastes at the Site. Please provide a copy of the policy. For any policy that you cannot locate or obtain, provide the name of the carrier, years in effect, nature and extent of coverage, and any other relevant information you have.

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Carrier incorporates its objections that are set forth in Section I above.

Without waiving its objections, Carrier has provided copies of several first-layer insurance policies of Home Insurance Company and Allstate Insurance Company which may provide coverage in connection with Onondaga Lake. Other higher excess-level policies may also provide coverage for claims made in connection with Onondaga Lake. See documents 001976 to 002099.

15. Supply any additional information that may be used to identify additional sources of information or parties involved with the site.

Carrier incorporates its objections that are set forth in Section I above. Carrier also objects because the terms "additional information," "additional sources," "parties," and "involved" are vague and ambiguous.

Carrier personnel have read published reports about Onondaga Lake and its condition. Some of these reports may contain information about the Lake and parties involved.

16. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this "Request for Information" and specify the question to which each person assisted in responding.

Carrier incorporates its objections that are set forth in Section I above.

See Response to Question 14. We are requesting that these names be kept confidential to protect the privacy of those

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identified. It is not possible to specify which person assisted with respect to which response.

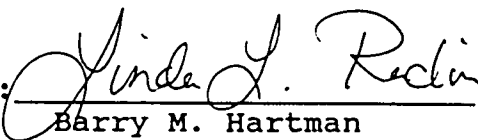
Certification

Carrier has not been able to identify any legal basis authorizing the EPA or the DEC to require the certification contained in the request. Accordingly, Carrier respectfully objects to the instruction that it sign a certification regarding the information being provided, and declines to sign such certification. However, within the constraints outlined above, Carrier has undertaken a diligent effort to identify information responsive to the request, as outlined above, and remains willing to work with the EPA and DEC in their efforts to address the Onondaga Lake superfund site.

Please contact us if you have any questions.

Respectfully submitted,

KIRKPATRICK & LOCKHART

By: 
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Linda L. Raclin

Counsel to Carrier Corporation

cc:

Herbert H. King (without enclosures)
TAMS Consultant, Inc.

Attention: James P. Behan, P.E. (without enclosures)
George A. Shanahan, Esq. (without enclosures)
William G. Little, Esq. (without enclosures)

<u>Name</u>	<u>Title</u>
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Edward Besaw	Environmental Control Engineer
John Bialas	Senior Manufacturing Engineer Manager, Plant Engineering
Richard Bianchi	Engineering Section Manager
Merton Brodie	Superintendent, Central Maintenance Dept.
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Hank Hedges	Director, Environmental Safety Programs
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Beth Hubber	Sr. Environmental Engineer
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Region II of the Environmental Protection Agency

New York Department of Environmental Conservation

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